

BILL NO. G-89-06-10 (as amended)

GENERAL ORDINANCE NO. G- 17-89  
AN ORDINANCE OF THE COMMON COUNCIL  
OF THE CITY OF FORT WAYNE, INDIANA  
RE: THE HIRING OF CONSULTANTS  
BY THE CITY OF FORT WAYNE, INDIANA

WHEREAS, I.C. 36 does not fully establish procedures for the regulation of the hiring of consultants for their information, advice and counsel to the City of Fort Wayne, Indiana, in the administration of its government and/or to any City-owned and/or operated utility; and

WHEREAS, I.C. 36-4-6-18 confers upon the Common Council of the City of Fort Wayne, as a legislative body of the City authority to pass Ordinances, Orders, Resolutions and Motion for the government of the City, the control of the City's property and finances, and the appropriation of money; and

WHEREAS, it is necessary for the City of Fort Wayne, Indiana to establish by Ordinance, a procedure regulating the hiring of consultants by the City of Fort Wayne, Indiana; and

WHEREAS, Section 2-8.4 of the Municipal Code of the City of Fort Wayne, "Hiring and Monitoring of Consultants", does not adequately provide for the proper review by the Common Council of the City of Fort Wayne of the hiring of consultants by the City of Fort Wayne, Indiana.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Section 2-8.4 of the Municipal Code of the City of Fort Wayne is repealed.

Section 2. That pursuant to I.C. 36-1-3-4 (b) and I.C. 36-4-6-18 there is hereby adopted this Ordinance prescribing an exclusive manner for the exercising of the power of contracting with an employment of consultants by the City of Fort Wayne, Indiana either in the exercise of its civil governmental function, or in the exercise of its power over any City-owned and/or operated utilities.

1                   Section 3. The term "emergency" wherever used in this  
2 section shall be defined as an extraordinary situation or  
3 condition, whether caused by nature or otherwise, that would  
4 require an unusually high provision of governmental services or  
5 that would disrupt or interfere, or threaten to disrupt or  
6 interfere, with the prompt and proper provision of governmental  
7 services and/or protection of the general public.

8                   Section 4. The word "consultant" or "consultants"  
9 whenever used in this section shall mean any person, firm and  
10 entity, who executes a contract with the City or any of the City  
11 utilities for the purposes of providing professional or expert or  
12 technical advice to the City or any of its utilities.

13                  Section 5. All contracts and/or contractual  
14 arrangements to employ or to utilize the services of a consultant  
15 or consultants with the City of Fort Wayne, Indiana, either for  
16 civil, governmental or utility purposes, shall be approved by the  
17 Mayor or the Board of Works and Safety of the City of Fort Wayne.  
18 Prior to the Mayor's or the Board of Works and Safety's execution  
19 of said contracts and/or contractual arrangements, the Common  
20 Council shall certify and approve by ordinance the need for the  
21 services of a consultant or consultants, when the amount to be  
22 paid to said consultant or consultants, when extrapolated over  
23 one (1) full year is equal to or greater than the amount  
24 specified in the ordinance governing the approval of City and  
25 City Utilities purchases of supplies.

26                  Section 6. All such contracts or agreements with a  
27 consultant or consultants, hereafter entered into without such  
28 prior approval by the Common Council of the City of Fort Wayne,  
29 shall be null and void.

30                  Section 7. In the case of emergency only may the City  
31 of Fort Wayne, Indiana, enter into a contract or agreement for  
32 the hiring and employment of consultants without the necessity of  
prior approval by the Common Council of the City of Fort Wayne.

                     Section 8. If any questions arise as to the terms of  
any contracts for the employment of consultants by the City of

1 Fort Wayne, the City Controller or his/her representative or  
2 designee shall meet and confer with the Common Council for the  
3 purposes of answering any and all such questions.

4 Section 9. This Ordinance shall be in full force and  
5 effect from and after its passage and any and all necessary  
6 approval by the Mayor.

7 David C. Long  
8 Councilmember

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5 the regulation of the hiring of consultants for their  
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7 Indiana, in the administration of its government and/or to  
8 any City-owned and/or operated utility; and

9 WHEREAS, I.C. 36-4-6-18 confers upon the Common Council  
10 of the City of Fort Wayne, as a legislative body of the City  
11 authority to pass Ordinances, Orders, Resolutions and  
12 Motions for the government of the City, the control of the  
13 City's property and finances, and the appropriation of  
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16 Indiana to establish by Ordinance, a procedure regulating  
17 the hiring of consultants by the City of Fort Wayne,  
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19 WHEREAS, Section 2-8.4 of the Municipal Code of the City  
20 of Fort Wayne, "Hiring and Monitoring of Consultants", does  
21 not adequately provide for the proper review by the Common  
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28 Section 2. That pursuant to I.C. 36-1-3-4 (b) and I.C.  
29 36-4-6-18 there is hereby adopted this Ordinance prescribing

1 an exclusive manner for the exercising of the power of con-  
2 tracting with an employment of consultants by the City of  
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9 require an unusually high provision of governmental services  
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11 or interfere, with the prompt and proper provision of gov-  
12 ernmental services and/or protection of the general public.

13 4. The word "consultant" or "consultants", whenever  
14 used in this section shall mean any person, firm and entity,  
15 who executes a contract with the City or any of the City  
16 utilities for the purposes of providing professional or  
17 expert or technical advice to the City or any of its  
18 utilities.

19 Section 5. All contracts and/or contractual arrange-  
20 ments to employ or to utilize the services of a consultant  
21 or consultants with the City of Fort Wayne, Indiana, either  
22 for civil, governmental or utility purposes, shall be first  
23 approved by the Mayor of the City of Fort Wayne. Prior to  
24 the Mayor's execution of said contracts and/or contractual  
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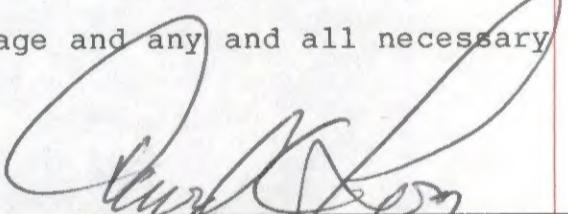
1  
2 equal to or greater than the amount specified in the ordi-  
3 nance governing the approval of City and City Utilities pur-  
4 chases of supplies.

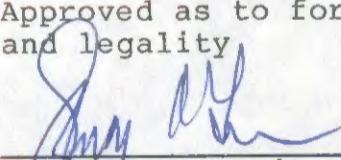
5 Section 6. All such contracts or agreements with a con-  
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7 prior approval by the Common Council of the City of Fort  
8 Wayne, shall be null and void.

9 Section 7. In the case of emergency only may the City  
10 of Fort Wayne, Indiana, enter into a contract or agreement  
11 for the hiring and employment of consultants without the  
12 necessity of prior approval by the Common Council of the  
13 City of Fort Wayne.

14 Section 8. If any questions arise as to the terms of  
15 any contracts for the employment of consultants by the City  
16 of Fort Wayne, the City Controller or his/her representative  
17 or designee shall meet and confer with the Common Council  
18 for the purposes of answering any and all such questions.

19 Section 9. This Ordinance shall be in full force and  
20 effect from and after its passage and any and all necessary  
21 approval by the Mayor.

22   
23 COUNCILMEMBER

24 Approved as to form  
25 and legality  
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27 \_\_\_\_\_  
28 Stanley A. Levine  
29 Attorney for the Common Council  
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Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 6-27-89

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Volanis, and duly adopted, placed on its passage. PASSED ~~DOCT~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>			
<u>BRADBURY</u>	<u>✓</u>			
<u>BURNS</u>	<u>✓</u>			
<u>GiaQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>STIER</u>				
<u>TALARICO</u>	<u>✓</u>			

DATED: 6-27-89.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 6-17-89 on the 27th day of June, 1989.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

ATTEST

SEAL

Marion S. Reed  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of June, 1989, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 7th day of July, 1989, at the hour of 3:12 o'clock P.M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR

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**COUNCILMEMBER**

Approved as to form  
and legality.

~~Stanley A. Levine~~  
Attorney for the Common Council

